

- BK
- (a) cycles of wetting and/or drying,
 - [- (b) addition of nutritional supplies or addition of spore elements,
 - [- (c) exposure to temperature changes[, preferably] within a range of about 0° to about 80°C, and
 - [- (d) exposure to changes in pH[, preferably] within a pH range of about 2.0 to about 8.0 [more preferably between 3.0 and 6.0] to obtain spores where [significantly more swollen than their dormant size, more particularly,] the size of the spores is increased by a factor [preferably] between about 1.2 and about 10 over their dormant size and/or the spores [with] have one or more germ tubes per spore, and mixtures thereof.

36. (Once Amended) A [P]rocess according to [any one of] claim[s] 27 [to 35], wherein the pH during the steeping step is adjusted to a value between about 4.0 and about 6.0.

REMARKS

In response to the office action claims 10-12, 25, 26 and 37-42 have been cancelled without prejudice to reasserting such claims in a divisional application. Claims 1, 2, 4, 7, 8, 27, 29, 32, 33, 34, 35 and 36 have been amended. Claims 1-9, 13-24 and 27-36 are pending.

The Pending Claims Are Not Anticipated By And Are Nonobvious In View Of Gyllang et al.

The Gyllang et al. reference does not describe adding activated spores to barley. The Examiner assumed that the Gyllang et al. reference did add activated spores to a barley cereal, but invited applicants to indicate otherwise. Indeed, applicants have made spores precisely the way the reference describes how its authors cultivated spores. Applicants found that after such cultivation and homogenation the resulting spores were not activated. Hence, Gyllang et al. does not mix activated spores with a cereal as claimed.

The Amended Claims Obviate The Section 112 Rejections Of Paragraphs 8 through 13.

Responsive to paragraph 10, claim 35 has been amended to remove the phrase "significantly more swollen than their dormant size."

Responsive to paragraphs 7 and 11, the Markush language of claims 29 and 31 have been amended. This should obviate the rejection of claims 29 and 31.

Also responsive to paragraph 11, claims 27 ("preferably" removed), 32("preferentially" removed), 33("such as" removed), 34("preferably" removed) and 35("preferably" removed) have been amended to obviate the section 112 rejection.

Claims 35 Through 36 Have Been Amended To Correct For Multiple Dependency.

ATCC 4858, 9363 and 14156 Are Publicly Available.

The Priority Document And Formal Drawing Will Be Filed Once Allowable Subject Matter Is Found.

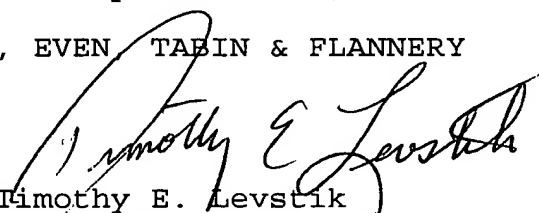
Conclusion.

Applicants respectfully submit that Gyllang et al. do not describe or even suggest the addition or mixing of activated spores to a cereal for enhanced enzymatic activity. In view of the foregoing reconsideration and allowance is respectfully requested.

Respectfully submitted,

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Date: June 18, 1999

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